<u>REMARKS</u>

Claims 29 - 42 are pending. Claims 1 - 10 and 27 and 28 have been cancelled. Claims 29 - 42 have been added. No new matter has been added. Reexamination and reconsideration of the submitted claims is respectfully requested.

In the March 4, 2004 Office Action, the Examiner rejected claims 1 - 10 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Published Patent Application No. 2002/0090114 to Rhoads et al. ("the Rhoads reference") in view of U.S. Patent No. 6,119,932 to Maloney et al. ("the Maloney reference"). The Examiner rejected claims 27 - 28 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,564,259 to Barber et al. ("the Barber reference"). These rejections are respectfully traversed in so far as applicable to the presently pending claims.

Claims 27 - 28 have been cancelled and no analogous claims have been added. Accordingly, the Barber reference is no longer relevant.

Independent claim 29 recites:

> A method of providing media content to a subscriber utilizing a client computer, the method comprising:
> receiving a request, at a local server, for retrieval of media content from the subscriber utilizing the client computer;
> **transmitting the request for the media content to a remote server, the request including encoded data identifying the subscriber; and**
> receiving digitized content from the remote server at the local server, the digitized content including a combination of the media content requested by the subscriber and the encoded data identifying the subscriber.

The Rhoads reference in combination with the Maloney reference does not disclose, teach, or suggest the method of independent claim 29. The Examiner states that the Rhoads system discloses the providing of media content to a user including

embedding or superimposing object identifiers, with a media object such as a video image frame, and transmitting the video frame to the user. The Examiner also states that the Rhoads reference does not explicitly disclose the embedded information is information identifying a subscriber. However, the Examiner states that the Maloney reference teaches an identification and validation system, which employs a superimposing technique for embedding user information with a video frame for validation information of users over a network. (*Office Action, page 3*). The applicants understand the Examiner's utilization of the references, but respectfully submit that the method of independent claim 29 is not disclosed by the Rhoads and Maloney references, alone or in combination.

Unlike the method of claim 29, the Rhoads reference does not disclose a method of providing media content to a subscriber utilizing a client computer, the method including receiving a request, at a local server, for retrieval of media content from the subscriber utilizing the client computer; **transmitting the request from the media content to a remote server, the request including encoded data identifying the subscriber.** Instead, the Rhoads reference describes encoding and decoding watermarks in content to convey auxiliary information about video objects in the content. An embedding process encodes the auxiliary information into a watermark, which is embedded in the video content. A transmitter transmits the content to viewers, via, for example, an electronic file download over a network that streams delivery over the network. A receiver captures the video content and places it in a format from which a watermark decoder extracts the auxiliary information. A display displays the video to the viewer. As the video is being displayed, a user interface executes and provides

visual, audio, or audio-visual information to the user indicating that the video is embedded with auxiliary information or actions. *(Rhoads, ¶ 36)*.

This is not the same as transmitting a request for media content to a remote server, the request including encoded data identifying the subscriber. It is not the same because the Rhoads reference does not disclose transmitting a request for the video content. Further, the Rhoads reference does not disclose that the **request includes encoded data identifying the subscriber.** The Examiner, in rejecting cancelled claim 1, agrees when the Examiner states that the Rhoads reference does not explicitly disclose the embedded information that identifies a subscriber. *(Office Action, page 3)*. Accordingly, applicants respectfully submit that independent claim 29 distinguishes over the Rhoads reference.

The Maloney reference does not make up for the deficiencies of the Rhoads reference. The Maloney reference discloses a system including a camera to capture an image of a user and a storage device that stores the captured image. The Maloney reference also discloses a method of identifying a person presenting an identification card. The identification method includes the steps of recording an image of the person and retrieving identification information from the identification card. The method also includes superimposing at least a portion of the identification information from the identification card on the recorded image. The recorded image superimposed with at least a portion of the identification information is recorded on a storage device. *(Maloney, Abstract, col. 3, line 25 - col. 4, line 51)*.

This is not the same as transmitting a request for media content to a remote server, **the request including encoded data identifying the subscriber.** It is not the

same because the Maloney reference is not disclosing transmitting a request for media content. Instead, the Maloney reference is focusing on the superimposing of identification card information onto an image of a person on the identification card. There is no disclosure of a computing device, i.e., local server, making a request including encoded data identifying a subscriber, i.e., user, to a remote server because Maloney is disclosing <u>storing</u> an image at a storage device, where the image includes superimposed personal information. Accordingly, applicants respectfully submit that independent claim 29 distinguishes over the Rhoads reference and the Maloney reference combination.

Independent claim 36 recites similar limitations to independent claim 29. Accordingly, applicants respectfully submit that independent claim 36 distinguishes over the Rhoads and the Maloney references, alone or in combination, for similar reasons as discussed above in regard to claim 29.

Claims 30 - 35 and 37 - 42 depend, directly or indirectly on independent claims 29 and 36, respectively. Accordingly, applicants respectfully submit that claims 30 - 35 and 37 - 42 distinguish over the Rhoads and the Maloney references, alone or in combination, for the same reasons as discussed above in regard to independent claims 29 and 36.

Dependent claim 31 further distinguishes over the Rhoads reference and the Maloney reference, alone or in combination. Dependent claim 31 recites:

> The method of claim 29, further including **storing the digitized content on a dedicated partition of a disk drive**, the digitized content including the media content requested by the subscriber and the encoded data identifying the subscriber, **the dedicated partition of the disk drive being inaccessible by the subscriber utilizing the client computer**.

The Rhoads reference does not teach, suggest, or disclose the highlighted limitations of claim 31. The Rhoads reference discloses embedding a watermark in a video file and transmitting the video file with the embedded watermark to a receiver where the watermark is extracted. The Rhoads reference does not disclose the storing of the video file and watermark (akin to digitized content including the media content and the encoded data identifying the subscriber) **in a dedication partition of a disk drive that is inaccessible by the subscriber utilizing the client computer**. There is no disclosure of a dedicated partition in the Rhoads reference. Accordingly, applicants respectfully submit that claim 31 further distinguishes over the Rhoads reference.

The Maloney reference does not make up for the deficiencies of the Rhoads reference. The Maloney reference discloses the storage of an image superimposed with at least a portion of the identification information, but does not disclose the storage of the image on a **dedicated partition of the hard drive that is inaccessible to the subscriber utilizing the client computer**. Accordingly, applicants respectfully submit that claim 31 further distinguishes over the Maloney reference, alone or in combination with the Rhoads reference.

Dependent claim 38 recites similar limitations to dependent claim 31. Accordingly, applicants respectfully submit that dependent claim 38 further distinguishes over the Rhoads and Maloney reference combination, for similar reasons as discussed above in regard to claim 31.

Dependent claim 32 further distinguishes over the cited references. Dependent claim 32 recites:

> The method of claim 31, further including **removing the digitized content from the dedicated partition of the disk drive once a**

subscription period has expired.

The Rhoads reference does not disclose that the digitized content is stored on a partition, so it is impossible for the Rhoads reference to disclose that the digitized content is removed from the dedicated partition of the disk drive once a subscription period has expired. Accordingly, applicants respectfully submit that claim 32 further distinguishes over the Rhoads reference.

The Maloney reference does not make up for the deficiencies of the Rhoads reference. As discussed above, the Maloney reference does not disclose that the digitized content is stored on a dedicated partition of the disk drive. Further, there is no disclosure of subscription periods in the Maloney reference or that the digitized content would be removed from the dedicated partition of the disk drive once a subscription period has expired. Accordingly, applicants respectfully submit that claim 32 further distinguishes over the Maloney reference, alone or in combination with the Rhoads reference.

Dependent claim 39 recites similar limitations to dependent claim 32. Accordingly, applicants respectfully submits that claim 39 further distinguishes over the Rhoads and the Maloney references, alone or in combination, for similar reasons as discussed above in regard to claim 32.

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Applicants believe that the foregoing amendments place the application in condition for allowance, and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call either of the undersigned attorneys at the Los Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference would advance prosecution of the application.
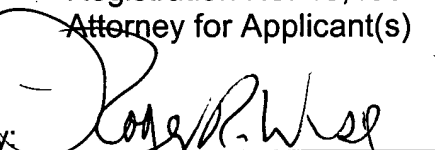
Respectfully submitted,

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